Minnesota Department of Agriculture

November 26, 2002

651/296-6906

Michele Timmons, Revisor of Statutes
700 State Office Bldg.
100 Constitution Ave.
St. Paul, MN 55155

Dear Ms. Timmons:

Pursuant to Minnesota Statutes, section 14.05, subd. 5, below is the report on obsolete, unnecessary and duplicative rules of the Department of Agriculture.

I. Status of rules identified as obsolete in 2001

1. Obsolete rules in Chapter 1540, Meat Inspection, and 1550, General Food Rules were repealed this past year.

II. Obsolete, unnecessary and duplicative rules for 2002

1. 1505.0760, county agriculture inspector qualifications, is no longer necessary because it was replaced with outcome-based requirements in part 1505.0754.

2. 1505.0770, rose bushes, can be repealed because it covers grade conditions rather than viability. Rose grading is a method of classifying rose bushes based on a number of factors that relate primarily to consumer preferences. According to Minnesota Statutes, chapter 18 the department is responsible for rules that govern the viability of nursery stock but has no authority to grade rose bushes.

3. 1505.0790, bench roses, can be dropped because this practice is no longer used by the nursery industry. Rose variety introductions over the past three decades have created a marketplace for named, potted varieties available at nurseries. Cut flower producers discard their roses after use due to newer techniques in high-volume cut flower production.

4. 1505.0800, care of nursery stock, is redundant and unneeded. Minnesota Statutes, section 18.50 specifies that all nursery stock sold or offered for sale shall be kept in a sound, healthy condition.

5. 1510.0110, seed container, 1510.0130, open sack, and 1510.0140 records are obsolete because agriculture and lawn seed is no longer sold in this way, and the Minnesota Seed Law in M.S, chapter 21 has current seed labeling requirements.

6. 1510.0150, lighting requirements, is no longer necessary because lighting standards are now dictated by OSHA.

7. 1555.0005-15555.0012, organic food and 1556.0200-1556.0227, organic certification, are obsolete because they have been replaced by mandatory federal regulations that govern organic food standards, labeling and certification.

8. 1558.0040, subd. 5, data privacy, is obsolete because it conflicts with current requirements in M.S., section 13.03 governing date privacy.

Please call me if you have any questions concerning this matter.

Sincerely,

Carol Milligan

Carol Milligan,
Rules Coordinator

cc: Sharon Clark, Deputy Commissioner